

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTONIO D. SASSO,

Defendant.

CASE NO. 3:23-cr-5175-BHS

DETENTION ORDER RE:  
VIOLATION OF CONDITIONS  
OF BOND

THIS MATTER comes before the Court for a hearing on alleged violations of pretrial release. The Government moved to revoke the pretrial bond, based on the Petition of the United States Pretrial Officer (Dkt.23, 25, 26, 27), alleging that the defendant violated the conditions of supervision on the pretrial bond issued by Magistrate Judge David Christel (Dkt. 9). The Pretrial Officer, and the Assistant United States Attorney, recommended revocation of bond, and detention. The Government appeared through Assistant United States Attorney Elyne Vaught. The defendant appeared personally and represented by counsel, Heather Carroll, Assistant Federal Public Defender.

1 The violations numbered 2, 3, and 4 (see Dkt. 26, 27), were admitted by Mr.  
2 Sasso on the record during the hearing. The Government dismissed the remaining  
3 alleged violations. Dkt. 34.

4 Mr. Sasso stands charged with six counts: two counts of assault on a federal  
5 officer or employee (Counts 1 and 2); damage to United States Government  
6 property (Count 3); attempting to elude a police vehicle (Count 4); driving under  
7 the influence (Count 5); and possession of a controlled substance (Count 6). Dkt.  
8 28, Indictment (filed 6-7-2023).

9 The Court considered the relevant factors under 18 U.S.C. §§ 3148 and  
10 3142(g). The four factors are: 1. Nature and seriousness of the charges; 2. Weight  
11 of the evidence against the defendant; 3. History and characteristics of the  
12 defendant; and 4. "Nature and seriousness of the danger to any person or the  
13 community that would be posed by the person's release." 18 U.S.C. § 3142(g)(1)-  
14 (4). The Bail Reform Act recognizes that release should be the normal course, and  
15 "detention prior to trial or without trial is the carefully limited exception." *United*  
16 *States v. Salerno*, 481 U.S. 739, 755 (1987). In evaluating whether the defendant  
17 poses a serious potential for dangerousness, it is not necessary for the  
18 government to produce, or for the Court to rely on, evidence of prior convictions  
19 for violent crimes. *United States v. Hir*, 517 F.3d 1081, 1091-92 (9<sup>th</sup> Cir. 2008).  
20

21 The Court finds there is no condition or combination of conditions that would  
22 reasonably ensure safety of other persons and the community, or Mr. Sasso's  
23 appearance for hearings or trial. The violations admitted by the defendant are  
24 serious, including: failure to follow the Court's bond and instructions of pretrial

1 services officers; drug use; and failure to submit to a drug test. In addition, there  
2 are charges currently pending in state court and an order of protection that was  
3 entered on June 1, 2023, concerning conduct by Mr. Sasso against his [now  
4 estranged] spouse. The Court considered alternatives to detention, such as in-  
5 patient drug treatment in Spokane, Washington. The Court also considered  
6 whether additional supports -- such as potential placement at a residential re-entry  
7 center, and GPS monitoring of Mr. Sasso's location -- would mitigate the risk of  
8 flight or non-appearance and mitigate the risk to the safety of others and the  
9 community. The Court finds by a preponderance of the evidence that the defendant  
10 poses a risk of flight or non-appearance, based on failure to follow the Court's  
11 orders, and the charges of the Indictment indicating that Mr. Sasso attempted to  
12 elude a police vehicle. Dkt. 1, Complaint, at 1; Dkt. 28, Indictment, at 2-3.

13         The Court also finds by clear and convincing evidence that the defendant  
14 poses a risk of danger to others or to the community. The offenses charged in the  
15 indictment indicate assaultive behavior; the Pretrial Services Officer stated during  
16 the hearing that an order of protection was entered against the defendant and it  
17 will be in effect for five years -- issued on June 1, 2023 -- concerning conduct  
18 against his spouse. These facts indicate "an articulable threat posed by the  
19 defendant to an individual or the community." See, *United States v. Munchel*, 991  
20 F.3d 1273, 1282 (D.C. Cir. 2021) (quoting *Salerno*, 481 U.S. at 751).

21  
22         Even with conditions by which the defendant's whereabouts could  
23 potentially be monitored, the Court finds that there are no conditions of release  
24

1 that would effectively mitigate the risk of flight or non-appearance, or the risk of  
2 dangerousness to others or to the community.

3 It is therefore **ORDERED**:

4 (1) Defendant's pretrial bond is revoked; he shall be detained and committed  
5 to the custody of the Attorney General for confinement in a correctional facility separate,  
6 to the extent practicable, from persons awaiting or serving sentences, or being held in  
7 custody pending appeal;

8 (2) Defendant shall be afforded reasonable opportunity for private  
9 consultation with counsel;

10 (3) On order of a court of the United States or on request of an attorney for  
11 the Government, the person in charge of the correctional facility in which Defendant is  
12 confined shall deliver the defendant to a United States Marshal for the purpose of an  
13 appearance in connection with a court proceeding; and

14 (4) The Clerk shall provide copies of this order to all counsel, the United  
15 States Marshal, and to the United States Probation and Pretrial Services Officer.

16 Dated this 12<sup>th</sup> day of June 2023.

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19 Theresa L. Fricke  
20 United States Magistrate Judge  
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